THE HONOURABLE SMT JUSTICE T.MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE K.C.BHANU

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WRIT PETITION NO.25638 of 2005

ORDER: *(per the Hon'ble Smt Justice T.Meena Kumari, J)*

This is a taken up case on the Telegram, dated 26.11.2005, given by the petitioner seeking a direction to the respondents to produce the petitioner's husband namely T.Penchalaiah, who was illegally detained in Crime No.50 of 2005 of Kaluvoya Police Station, Nellore, by the Circle Inspector of Police, Podalakuru, Nellore, and set him at liberty.

The first respondent filed counter denying the allegations in the Telegram. It is specifically mentioned at paragraph No.5 of the counter-affidavit that the alleged detenu was found moving freely and attending his day-to-day duties. It is further stated that on the requisition made by him, Chavatapalli Gram Panchayat Secretary enquired into the matter and issued a certificate to the effect that the alleged detenu is moving freely in the Village and the same is duly attested by the Mandal Revenue Officer, Kaluvoya.

It is submitted by the learned Additional Advocate General across the Bar that the alleged detenu was never detained by the Police in relation to the above said crime and therefore, the question of illegal detention of the alleged detenu does not arise.

In view of the submissions made by the learned Additional Advocate General and in view of the averments made in the counter to the effect that the alleged detenu is moving freely and a certificate to that effect duly attested by the Mandal Revenue Officer, Kaluvoya, is filed, we are of the view that no further orders are necessary in this writ petition and accordingly, the same is liable to be dismissed.

The writ petition is, therefore, dismissed.

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(T.MEENA KUMARI, J)

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(K.C.BHANU, J)

Date:06.12.2005

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